

The Constitution

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THE CONSTITUTION

BY ORA WILLIAMS*

There is no mystery about the constitution of a state or of a nation. It is simply the will of the people as to a way of life. It is a charter for guidance in their relations to one another and to the rest of the world.

The Constitution of the United States of America is that will written out and made of record so that we the American people may know, and all the world may know, what we regard as the highest standard for the government of a free society.

The Constitution was first published from the doorstep of the historic Independence Hall in Philadelphia 156 years ago today. We, the Americans, are sentimental as well as practical. That hall stands today just as it was when its great bell rang to proclaim liberty throughout the world to all men everywhere. On this anniversary day, there will be broadcast from that identical hall, by a high officer of the society of Sons of the American Revolution, of which I have long been a member, a tribute to that Constitution and its makers.

In homes, in schools, in clubs and societies, wherever men and women meet to further the cause of human liberty, this day will be remembered.

No person can be the best American citizen without a knowledge of that Constitution and some understanding of its principles.

One of the world's greatest statesmen of the 19th century declared that instrument to be "the most wonderful work ever struck off at a given time by the brain and purpose of man." The years since have confirmed the justness of this extravagant praise of Mr. Gladstone. But the making of the Constitution was not the work of supermen, or of inspired prophets, but just plain folks

*Radio address on behalf of the Iowa Society Sons of the American Revolution on Constitution day, Sept. 17, 1943, from station KRNT, Des Moines. Mr. Williams spoke as the historian of the S. A. R. in furtherance of a nation-wide recognition of the day.

like all the rest of us. They but garnered the wisdom of centuries of experience and adapted it to workable rules and regulations.

The basic idea of the Constitution is liberty under law. That principle runs through the whole like a golden chain binding all parts of the great nation that was to be. This is a universe of law. Nothing happens by chance. The millions of stars that hide beyond the range of our vision travel with unerring precision the course prescribed by unchanging law. It was the venerable Franklin who in that convention spoke these words:

"I have lived, sir, a long time, and the longer I live, the more convincing proofs I see of this truth: That God governs in the affairs of men. And if a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without his aid?"

That was the spirit of the convention which gave forth its product just 156 years ago—a simple recognition that this universe is ruled by law, that this nation should be governed by law. It was not a discovery. It was not novel nor revolutionary. But the precise manner in which a nation should proceed to govern itself by law and yet permit of the greatest individual liberty presented the problem that the constitutional convention was to solve.

Over a door in our Iowa state house is the reminder that "Where law ends tyranny begins."

The constitution makers knew this fact and resolved that having won their independence by honorable warfare they would make it certain that tyranny, whether of the dictator or of the mob, should be banished from the new world. This is the genius of the American constitution; this its spirit and its purpose; this the solid foundation for all the American achievement for the welfare of the human race. To put into chapters and paragraphs the sufficient granting of authority and imposing of restrictions to make this idea workable under all conditions was the crowning achievement of the constitution makers.

There was a reason for this meeting of patriots. The semblance of a nation that served them in the seven years of their zeal for liberty had left them in utter chaos in peace time. Unless the political machine could be patched up it would soon break down. The cry of "give me liberty or give me death" was losing its force in the hurly-burly of everyday life. Men took literally the promise of freedom. There was defiance of courts, flouting of magistrates, selfish bickering at state borders, open rebellion on the frontiers.

General George Washington had retired to his farm on the Potomac, but was consulted, and out of that came a call for a convention not to make a new kind of government but to mend the broken places in the confederacy. When the convention met it did not even then have the sanction of the Continental congress. But for the fact that more than half of the members had been or were members of either the First or Second Continental congress, the meeting might have been denounced as disloyal. The personnel of the convention placed it far above all suspicion.

Only nine states were represented when the convention, one bright spring day, elected Washington to preside. Later three more states came in, but one was never represented. Of the seventy-two persons authorized to sit in the convention the highest number at any one time was fifty-five; at the end only thirty-nine were present. Some there were who came with ready made plans and went away sulking or indignant. Others could spare but little time from their personal affairs.

It was, however, a notable convention of high-minded men. There were business men, farmers and teachers, and thirty-one were lawyers. There were twenty-four college graduates, and the leading English and American universities were represented. Three were professors of law and one a college president. Their ages ranged from twenty-seven to eighty-one and the average was about forty.

At that time the great fountains of law were in Eng-

land and Scotland, where the common law had grown out of the traditions tracing to the Magna Carta. Four of the delegates to the convention had studied in the famous Inner Temple of London and five were of the Middle Temple. This last was dubbed the American college of law because so many Americans came from that sanctuary. One had been a student at Oxford and two had come from Scottish universities. One had sat at the feet of Blackstone as a student of law.

Washington was accepted by all as the wise leader and final adviser. He made no speeches. He had no pet project to offer. He thought only of how to establish and maintain a government of law to be administered fairly and with righteousness.

Franklin was not only the patriarch of America but a world known figure as a philosopher and leader of thought. It had been nearly thirty-three years since he first proposed a form of union at a national meeting.

Madison and Hamilton shared the honor of active and forceful advocacy of a new and stronger government. While the former kept his eye on "we the people", the latter stressed "the more perfect union," and they united on the intent to "secure the blessings of liberty to ourselves and our posterity."

There were really great lawyers—James Wilson, Alexander Hamilton, George Wythe, Jared Ingersoll, Edmund Randolph and the two Pinckneys.

These men came from all the states from New England to the Carolinas. Some were tidewater plantation owners and others were backwoods adventurers. They represented cities and towns and the country. Some could hardly forget they were Virginians or Pennsylvanians first and Americans last. Four of the states were large, the others comparatively small. They all knew what it meant to fight for freedom; none knew how to plan for the preservation of liberty.

While it is true that the call for the convention was to make repairs upon the badly crippled political machinery, it is also certain that more than one delegate came pre-

pared to argue that an entire new plan of government was needed.

One such was George Washington. He was living in retirement, so he had planned, but he had many callers at Mt. Vernon and he wrote many letters. As field marshal of the colonial armies he knew the weakness of a government without a head. When open rebellion broke out in one of the states and the shouts for freedom were carried to the length of defiance of the courts, Washington called attention to the fact that the central government had no powers to enforce order. He wrote that—"In a word, the Confederation appears to me to be little more than a shadow."

There was talk of setting him up as a dictator. He had repelled a proposal that he lead in overturning the government. He wrote that he feared "we shall have a formidable rebellion against reason, the principle of all government, and the very name of liberty."

George Washington knew that the greatest danger to the young republic was from within, and he sent a letter to Congress and to all the governors in which he said:

"The honor, power, and the interests of this country must be measured by a continental scale. To form a new constitution that will give consistency, stability and dignity to the Union, and sufficient powers to the great council of the nation for general purposes, is a duty incumbent on every man who wishes well of his country."

Mind you, he wrote of a "new constitution." He wrote of powers and not of advice or suggestion. He was both the soldier and the statesman.

Another there was who went to the convention to plead for a government strong enough to maintain order at home and competent to face the outer world with confidence. This was Alexander Hamilton. He had little faith in the new-fangled ideas that had come out of turbulent France and the continent. He frankly praised the British system in principle. He wanted a representative government, with a strong executive and a free judiciary. He did not get all that he favored; but the government of the United States is today more nearly

just what Hamilton would have made it than that of any other planner.

The real problem to be solved in Independence Hall 156 years ago was that of how to give the people the right to put into practice the democratic ideals they cherished and to do it with safety and satisfaction. James Madison seconded Hamilton in seeking to guard against danger.

"A pure democracy," Madison said, "by which I mean a state consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure for the mischiefs of faction."

The cure on which they all agreed was a representative, or republican form of government, with the legislative, judicial and executive powers clearly defined and carefully separated.

The constitutional convention made a record for itself pretty much as that of a state legislature or the congress of the United States. Considering the immensity of the job the fact that it was completed in eighty days was quite creditable.

Of course there were differences of opinion. These men differed as to representation in both branches of congress. They differed as to the length of the presidential term. They were bothered about taxes, finance, slavery, tariff duties, money—everything.

Like the honorable men they were they fought out their differences to an honorable compromise and agreed that the new government they had proposed was at least worth a trial.

The American constitution has stood the test of 156 years of trial. It stands today with not one essential principle impaired. Under that Constitution the thirteen states have increased to forty-eight, and the flag that Betsy Ross stitched, and the Continental Congress adopted, is to be seen on every continent, on all the seas and most of the islands of the world.

It was to defend that Constitution that Gen. Jackson won the battle of New Orleans.

It was protected by what Gen. Grant did at Vicksburg.

Its principles were at stake when the gallant cowboy colonel marched up a hill in Cuba.

The flag that our men carried across the fields of France symbolized the eternal principles of that charter of liberties.

It is to preserve and strengthen and perpetuate that document that our brave men are making their sacrifices of blood in Italy, North Africa, New Guinea, the Aleutians, on the island down under and in the heart of Asia.

We are pledged to posterity to preserve the eternal principles embodied in the Constitution; and that is why we pay heavy taxes, why we carry our ration books, tighten our belts and grow more corn.

Every bond that we buy is a thread added to the invisible cord which binds together all lovers of liberty in defense of the high ideals of our American Constitution and re-enforces our resolve to make these ideals permanent and world wide.

A constitution is a living thing. It may be a piece of parchment laid away on a shelf. It must be a conviction deeply embedded in the hearts of the people. No constitution is worth anything without the will of the people to preserve it and make it work.

We have been doing that for more than a century and a half. We need today the spirit of the men who thrashed out their disagreements in Independence Hall and brought forth a charter of human liberties declared to be "the most wonderful work ever struck off at a given time by the brain and purpose of man."

It is well that the Sons of the American Revolution have taken the initiative in celebrating this anniversary. By tradition and by inheritance they are fitted to carry on. But happily they are not alone. There are 135 million loyal and patriotic Americans.

Today we are standing together united, resolute, willing to sacrifice, seeking only the greatest good for all.

In this latest hour of trial America will not fail.

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